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10/679,529	10/06/2003	Jeffrey Wilson	930028-2002	3965

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EXAMINER

SANTIAGO CORDERO, MARIVELISSE

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/679,529	Applicant(s) WILSON ET AL.	
	Examiner Marivelisse Santiago-Cordero	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-18 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-18 and 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Art Unit – Location

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Response to Arguments

2. Applicant's arguments, see Remarks, filed on 5/5/06, with respect to the rejection(s) of claim 1 under 35 U.S.C. 102 (b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 4, 10, 14-15, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich et al. (hereinafter "Alperovich", cited in form PTO-892, paper no. 20050725) in view of Allison et al. (hereinafter "Allison"; Pub. No.: US 2003/0003930).

Regarding claim 1, Alperovich discloses a method of controlling delivery of text messages to a subscriber in a telecommunications services apparatus (Abstract), the method comprising the steps of the subscriber (Fig. 2, reference numeral 22) making a selection as to a mode of delivery that the subscriber requires for one of (i) a future text message and (ii) a category of future text messages (Abstract; col. 1, lines 55-57; col. 2, lines 19-23), the subscriber's requested selection being implemented by a message processing means (Fig. 2,

references 200, 40, or 50, either singularly or in combination) which is part of the home network with which the subscriber's mobile telephone is normally associated (col. 1, line 63 through col. 2, line 19), the arrangement being such that any text messages intended by the sender to be delivered to the said subscriber, as intended receiver thereof, are directed to the message processing means which then implements the delivery mode previously selected by the subscriber (Fig. 2; col. 3, lines 24-66; col. 4, lines 23-36). Alperovich also discloses a routing query from another network, made in response to a request from a user associated with said another network (col. 4, lines 23-28), responding to the routing query to provide a modified address which causes the text message from said another network to be directed to said message processing means for implementation of said delivery mode (col. 4, lines 29-47).

Alperovich fails to disclose wherein the routing query is arranged to be intercepted by a signal processing means provided in said home network, said signal processing means then responding to the routing query on behalf of a HLR (home location register) of the home network.

However, in the same field of endeavor, Allison discloses wherein the routing query (Fig. 1, reference 1) is arranged to be intercepted by a signal processing means provided in said home network (Fig. 1, reference 100; paragraphs [0009] and [0026]), said signal processing means then responding to the routing query on behalf of a HLR (home location register) of the home network to provide a modified address which causes the text message from said another network to be directed (Fig. 1; paragraphs [0009] and [0026]-[0027]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to intercept the routing query of Alperovich by a signal processing means

provided in said home network, said signal processing means then responding to the routing query on behalf of the HLR of Alperovich of the home network to provide a modified address which causes the text message from said another network to be directed as suggested by Allison for the advantages of providing communication between subscribers of different application-layer mobile communication protocols (Allison: Abstract).

Regarding claim 4, in the obvious combination, Allison discloses in which the signal processing means is an SMS router (paragraph [0009]).

Regarding claim 10, in the obvious combination, Alperovich discloses the method of claim 1 (see above) in which one of the delivery modes which is available is a mode providing special handling of some messages according to originator number (col. 1, lines 55-57; col. 1, line 63 through col. 2, line 9).

Regarding claim 14, Alperovich discloses the method of claim 1 (see above) in which the subscriber makes the selection by a USSD command (Abstract).

Regarding claim 15, Alperovich discloses the method of claim 1 (see above) in which the subscriber makes the selection by an SMS (from col. 5, line 67 through col. 6, line 6).

Regarding claim 17, Alperovich discloses a telecommunications network comprising a message processing means (Fig. 2, reference 200, 40, or 50, either singularly or in combination) that is capable of storing a selection of at least one selectable mode of delivery of a text message made by a subscriber to a network incorporating the message processing means (col. 2, lines 3-23) and to implement the previously selected mode of delivery on receipt by the message processing means of a text message, intended for receipt by said subscriber, by forwarding the message to at least one delivery path of the message processing means (col. 2, lines 3-23; Fig. 5;

col. 5, lines 22-50), wherein the telecommunications network further comprises a HLR (home location register) (Fig. 2, reference numeral 26), routing queries sent to the HLR of said network from another network (col. 4, lines 23-28), for receiving a text message from such another network (Fig. 2; col. 3, lines 15-66), and provide a modified address which will cause the text message from said another network to be sent to the message processing means which will then effect delivery in accordance with at least one previously selected mode of delivery (Fig. 2; col. 3, lines 45-66; col. 4, lines 29-37).

Alperovich fails to disclose a signal processing means, said signal processing means being configured in association with the HLR to intercept routing queries sent to the HLR of said network from another network, for receiving a text message from such another network, to communicate with the HLR but to provide a modified address.

However, in the same field of endeavor, Allison discloses signal processing means (Fig. 1, reference 100), said signal processing means being configured in association with the HLR to intercept routing queries sent to the HLR of said network from another network (Fig. 1; paragraphs [0009] and [0026]), for receiving a text message from such another network (Fig. 1, reference 100; paragraphs [0009] and [0026]), to communicate with the HLR but to provide a modified address (Fig. 1, reference 100; paragraphs [0009] and [0026]-[0027]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to incorporate a signal processing means, said signal processing means being configured in association with the HLR to intercept routing queries of Alperovich sent to the HLR of said network from another network, for receiving a text message from such another network, to communicate with the HLR but to provide a modified address as suggested

by Allison for the advantages of providing communication between subscribers of different application-layer mobile communication protocols (Allison: Abstract).

Regarding claim 20, in the obvious combination, Allison discloses in which the signal processing means is an SMS router (paragraph [0009]).

5. Claims 2, 5, 8-9, 11-12, 18, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in combination with Allison (hereinafter “Alperovich/Allison”) as applied to claim 1 above, and further in view of Astrom et al. (hereinafter “Astrom”; cited in form PTO-892, paper no. 20050725).

Regarding claim 2, Alperovich/Allison discloses the method of claim 1 (see above). Alperovich/Allison fails to disclose in which the message processing means is an SMS router.

However, Astrom, in the same field of endeavor, discloses in which the message processing means is an SMS router (col. 6, lines 4-7 and 27-35).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to use the message processing means of Alperovich/Allison as an SMS router as suggested by Astrom for the advantages of using a structure that is already widely available and known, thereby, reducing the need to incorporate new and additional structures in the network; in addition, it would have the responsibility to determine how the messages shall be routed (Astrom: col. 6, lines 4-7).

Regarding claim 5, Alperovich/Allison disclose the method of claim 1 (see above). Alperovich/Allison fail to disclose in which one of the delivery modes which is available is a mode providing a delayed message delivery during selected hours of the day.

However, Astrom, in the same field of endeavor, discloses in which one of the delivery modes, which is available, is a mode providing a delayed message delivery during selected hours of the day (col. 3, lines 49-53; note the scheduled delivery of the message).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to provide a delayed message delivery during selected hours of the day in the delivery modes of Alperovich/Allison as suggested by Astrom for the advantage of allowing the recipient to receive the message when he/she is available or less occupied.

Regarding claim 8, Alperovich/Allison disclose the method of claim 1 (see above). Alperovich/Allison fail to disclose in which one of the delivery modes, which is available, is a mode providing diversion of messages on a time of day basis.

However, Astrom, in the same field of endeavor, discloses in which one of the delivery modes, which is available, is a mode providing diversion of messages on a time of day basis (col. 3, lines 49-53; note the scheduled delivery of the message).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to provide diversion of messages on a time of day basis in the delivery modes of Alperovich/Allison as suggested by Astrom for the advantage of allowing the recipient to receive the message when he/she is available or less occupied.

Regarding claim 9, Alperovich/Allison disclose the method of claim 1 (see above). Alperovich/Allison fail to disclose in which one of the delivery modes, which is available, is a mode providing conversion of messages to voice for delivery in a voice call.

However, Astrom, in the same field of endeavor, discloses in which one of the delivery modes, which is available, is a mode providing conversion of messages to voice for delivery in a voice call (col. 3, lines 49-53; note the media conversion).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to provide conversion of messages to voice for delivery in a voice call in one of the delivery modes of Alperovich/Allison as suggested by Astrom for the advantages of audibly notifying the recipient.

Regarding claim 11, Alperovich/Allison disclose the method of claim 1 (see above). Alperovich/Allison fail to disclose in which one of the delivery modes, which is available, is a mode providing filtering of messages by address information or content.

However, Astrom, in the same field of endeavor, discloses in which one of the delivery modes which is available is a mode providing filtering of messages by address information or content (col. 3, lines 53-55).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to provide filtering of messages by address information or content call in one of the delivery modes of Alperovich/Allison as suggested by for the advantage of screening out annoying advertisements (Astrom: col. 3, lines 53-55).

Regarding claim 12, Alperovich/Allison disclose the method of claim 1 (see above). Alperovich/Allison fail to disclose in which one of the delivery modes, which is available, is a mode providing delivery by fax.

However, Astrom, in the same field of endeavor, discloses in which one of the delivery modes, which is available, is a mode providing delivery by fax (col. 2, lines 18-23).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to provide delivery by fax in one of the delivery modes of Alperovich/Allison as suggested by Astrom for the advantage of converting the message to a desired delivery media (Astrom: col. 2, lines 18-23).

Regarding claim 18, Alperovich discloses the method of claim 17 (see above). Alperovich fails to disclose in which the message processing means is an SMS router.

However, Astrom, in the same field of endeavor, discloses in which the message processing means is an SMS router (col. 6, lines 4-7 and 27-35).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to use the message processing means of Alperovich/Allison as an SMS router as suggested by Astrom for the advantages of using a structure that is already widely available and known, thereby, reducing the need to incorporate new and additional structures in the network; in addition, it would have the responsibility to determine how the messages shall be routed (Astrom: col. 6, lines 4-7).

Regarding claim 22, in the obvious combination, Allison discloses in which the signal processing means is an SMS router (paragraph [0009]).

6. Claims 6-7, 9, 12-13, 16, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich/Allison as applied to 1 above and further in view of Skladman et al. (hereinafter "Skladman"; cited in form PTO-892, paper no. 20050725).

Regarding claim 6, Alperovich/Allison disclose the method of claim 1 (see above). Alperovich/Allison fails to disclose in which one of the delivery modes, which is available, is a mode providing diversion of text messages to fixed line when the subscriber is in a home cell.

However, in the same field of endeavor, Skladman discloses in which one of the delivery modes which is available is a mode providing diversion of text messages to fixed line when the subscriber is in a home cell (pages 3-4; paragraph [0044]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to provide diversion of text messages to fixed line when the subscriber is in a home cell in one of the delivery modes of Alperovich/Allison as suggested by Skladman for delivering over any or all of the available communication networks, depending on the preferences of the respective users (Skladman: page 4, paragraph [0048]).

Regarding claim 7, Alperovich/Allison disclose the method of claim 1 (see above). Alperovich/Allison fail to disclose in which one of the delivery modes, which is available, is a mode providing diversion of messages to an alternative mobile number.

However, in the same field of endeavor, Skladman discloses in which one of the delivery modes, which is available, is a mode providing diversion of messages to an alternative mobile number (pages 3-4; paragraph [0044]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to provide diversion of messages to an alternative mobile number in one of the delivery modes of Alperovich/Allison as suggested by Skladman for the advantage of delivering over any or all of the available communication networks, depending on the preferences of the respective users (Skladman: page 4, paragraph [0048]), in addition to being more convenient.

Regarding claim 9, Alperovich/Allison discloses the method of claim 1 (see above). Alperovich/Allison fails to disclose in which one of the delivery modes, which is available, is a mode providing conversion of messages to voice for delivery in a voice call.

However, Skladman discloses in which one of the delivery modes, which is available, is a mode providing conversion of messages to voice for delivery in a voice call (page 4, paragraphs [0053]-[0055]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to provide conversion of messages to voice for delivery in a voice call of Alperovich/Allison as suggested by Skladman for the advantage of audibly notifying the recipient (Skladman: page 4, paragraph [0055]).

Regarding claim 12, Alperovich/Allison disclose the method of claim 1 (see above). Alperovich/Allison fail to disclose in which one of the delivery modes, which is available, is a mode providing delivery by fax.

However, Skladman discloses in which one of the delivery modes, which is available, is a mode providing delivery by fax (pages 4-5; paragraph [0055]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to provide delivery by fax in one of the delivery modes of Alperovich/Allison as suggested by Skladman for the advantage of converting the message to a desired delivery media.

Regarding claim 13, Alperovich/Allison disclose the method of claim 1 (see above). Alperovich/Allison fail to disclose in which one of the delivery modes, which is available, is a mode providing delivery by e-mail.

However, Skladman discloses in which one of the delivery modes, which is available, is a mode providing delivery by e-mail (pages 3-4; paragraph [0044]; pages 4-5; paragraph [0055]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to provide delivery by e-mail in one of the delivery modes of Alperovich/Allison as suggested by Skladman for the advantage of allowing the recipient to view the message wherever Internet is available.

Regarding claim 16, Alperovich/Allison disclose the method of claim 1 (see above). Alperovich/Allison fail to disclose in which the subscriber makes the selection by means of an interactive voice call.

However, Skladman discloses in which the subscriber makes the selection by means of an interactive voice call (pages 5-6, paragraph [0063]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to make the selection of Alperovich/Allison by means of an interactive voice call as suggested by Skladman for the advantage of permitting the user to enter the information, preferences and selections in a simple and efficient manner available wherever a telephone is present.

Regarding claim 23, Alperovich/Allison disclose the method of claim 1 (see above). Alperovich/Allison fail to disclose in which one of the delivery modes, which is available, is a mode providing delivery by voice call.

However, Skladman discloses in which one of the delivery modes, which is available, is a mode providing delivery by voice call (page 4, paragraph [0055]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to provide delivery of Alperovich by voice call of Alperovich as suggested by Skladman for the advantage of audibly notifying the recipient (Skladman: page 4, paragraph [0055]).

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allison in view of Alperovich.

Regarding claim 21, Allison discloses telecommunications services apparatus comprising a signal processing means (Fig. 1, reference 100) configured in association with a HLR (home location register) to intercept routing queries sent to the HLR of said network from another network (Fig. 1; paragraphs [0009] and [0026]), the signal processing means being configured to communicate with the HLR but to provide an address (Fig. 1; paragraphs [0009] and [0026] and [0027]) which will cause a text message from said another network to be sent to a message processing means (Fig. 1, reference 110; paragraphs [0009] and [0027]), the message processing means being operative to effect delivery (paragraph [0043]).

Allison fails to disclose effecting delivery in accordance with a mode or modes of delivery previously selected by a recipient of the message.

However, in the same field of endeavor, Alperovich discloses a telecommunications services apparatus comprising message processing means being operative to effect delivery in accordance with a mode or modes of delivery previously selected by a recipient of the message (Abstract: Fig. 2; col. 4, lines 29-36).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to effect the delivery of Allison in accordance with a mode or modes of

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delivery previously selected by a recipient of the message as suggested by Alperovich for the advantages of selectively accepting or rejecting short messages (Alperovich: col. 1, lines 8-11), thereby allowing the subscriber to specify from which senders text messages will be accepted or rejected (Alperovich: col. 1, lines 55-57).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Finney et al. (Patent No.: US 6,182,118) and Foladare et al. (Patent No.: US 6,311,210) disclose delivery of electronic messages according to recipient rules.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marivelisse Santiago-Cordero whose telephone number is (571) 272-7839. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSC 5/13/06

MSC


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